

Subject: Re: FCC Orders 12M-48 and 49

From: Warren Havens (warren.havens@sbcglobal.net)

To: Pamela.Kane@fcc.gov;

Cc: Brian.Carter@fcc.gov; rjk@telcomlaw.com; jstobaugh@telesaurus.com;

Date: Wednesday, November 7, 2012 6:35 AM

- See my first filing today on in this matter filed on ECFC.
- This filing relates to the first filing, and what I assume will be a filing by the Enforcement Bureau and MCLM counsel on this matter to be filed.

As I explained last week and early today, I would not be available at this point in time, but was available for the vast majority of the long time available for this matter. Neither of your engaged.

Due to that situation, I leave to the EB what to file, out of the information I provided.

I have addressed this matter directly in manner I find required to properly inform the Judge and his staff. They can determine what the believe is useful.

But for my actions-- contrary to Mr. Keller and his client's wrongful withholding-- this would not be a matter at all in this Hearing, and there would be no 12M-48 and 49.

- Warren Havens

From: Bob Keller <rjk@TelComLaw.com>
To: 'Pamela Kane' <Pamela.Kane@fcc.gov>
Cc: 'Brian Carter' <Brian.Carter@fcc.gov>; warren.havens@sbcglobal.net; jstobaugh@telesaurus.com
Sent: Wednesday, November 7, 2012 6:21 AM
Subject: RE: FCC Orders 12M-48 and 49

Yes. I hit a wrong button. Was not finished with it. Will be completing and resending shortly.

From: Pamela Kane [mailto:Pamela.Kane@fcc.gov]
Sent: Wednesday, November 07, 2012 9:09 AM
To: 'rjk@telcomlaw.com'
Cc: Brian Carter; warren.havens@sbcglobal.net; jstobaugh@telesaurus.com
Subject: RE: FCC Orders 12M-48 and 49

Mr. Keller: Your email seems to have cut off in the middle. Please re-send.

Pamela S. Kane
Deputy Chief – Investigations & Hearings Division
Federal Communications Commission
202-418-2393

From: Bob Keller [mailto:rjk@TelComLaw.com]
Sent: Wednesday, November 07, 2012 9:07 AM
To: Pamela Kane
Cc: Brian Carter; warren.havens@sbcglobal.net; jstobaugh@telesaurus.com
Subject: RE: FCC Orders 12M-48 and 49

Ms. Kane:

This is in response to your Nov 6 email (below).

I have also received and reviewed at least two responsive emails from Mr. Havens on this matter. I did not interpret the above-referenced orders as dictating any specifics as to the manner of communications between the parties, but only “that the Status Report should be filed jointly, if feasible and practical.” FCC 12M-48 (final ordering clause). The extensive arguments, assertions, and jumped-to conclusions in Mr. Havens’s emails and attachments go far beyond the simple, factual reporting called for by the judge. The orders call for information from those “with knowledge,” FCC 12M-48 at p. 2, specifically “first-hand knowledge, FCC 12M-49 at p. 1, and particularly advised that “[m]ere speculation will not suffice.” Id. Thus, to the extent

that the report be

From: Pamela Kane [<mailto:Pamela.Kane@fcc.gov>]
Sent: Tuesday, November 06, 2012 4:58 PM
To: 'Bob Keller'; 'warren.havens@sbcglobal.net'; 'jstobaugh@telesaurus.com'
Cc: Brian Carter
Subject: FCC Orders 12M-48 and 49

We have reviewed the Presiding Judge’s Orders and expect to take the following positions in the pleading to be filed on Thursday.

1. The Bureau requested access to these documents in its First Set of Requests for the Production of Documents to SkyTel. See Request No. 1.
2. The Bureau made this request on June 7, 2012.
3. Skytel has not produced to the Bureau the documents responsive to Request No. 1 in the Bureau’s First Set of Requests for the Production of Documents to SkyTel.
4. Not applicable to the Bureau
5. The Bureau has no personal knowledge as to the subject matter of the documents.
6. The Bureau has no personal knowledge as to whether the documents are known or believed to relate to the issue of Watercom’s station construction.
7. The Bureau has no personal knowledge as to whether there are documents yet to be reviewed, and if so, the approximate number of such documents and the estimated time needed to review
8. The Bureau maintains the position it took in its Response to Maritime’s Motion for Summary Decision, filed on September 17, 2012, that the Watercom Order resolves the “construction” question of Issue (g) with respect to the Watercom Licenses. For this reason, the Bureau does not believe that the 93 boxes of documents are likely to raise material issues of relevant fact concerning the construction of the Watercom Licenses that should delay resolution of Maritime’s Motion on this question.

We suggest organizing the pleading by numbered question and then have a spot for each party to include their statement. We will circulate a draft in the morning and will expect Maritime and SkyTel to fill in their sections no later than 4:00 eastern so we can circulate for review before COB tomorrow.

Because the Bureau does not file items electronically, our filing deadlines require that we have a decision on whether it will be a joint motion no later than 12:00 noon east coast time so we can plan accordingly.

Pamela S. Kane
Deputy Chief – Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.

